

Frank D. Mylar (5116)
MYLAR LAW, P.C.
2494 Bengal Blvd.
Salt Lake City, Utah 84121
Phone: (801) 858-0700
Mylar-Law@comcast.net

Attorney for Washington County Defendants

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH

MARTIN CROWSON, Plaintiff, v. WASHINGTON COUNTY, et al., Defendants.	WASHINGTON COUNTY DEFENDANTS' MOTION TO SUPPLEMENT THE RECORD Case No. 2:15-CV-880-TC District Judge Tena Campbell
--	---

Defendants, Washington County and Michael Johnson (Washington County Defendants), through their attorney, Frank D. Mylar, respectfully submit their Motion to Supplement the Record as follows:

ARGUMENT

Either Plaintiff's Exhibits should be stricken or the record supplemented.

In reviewing the Record before the Court on summary judgment, it came to Washington County Defendants attention that Plaintiff did not comply with the local rules regarding the inclusion of deposition testimony. The Parties must include "complete copies of depositions, to the extent possible." [DUCivR 56-1\(b\)\(5\)](#). However, when this is not possible "the moving party

must submit at least four (4) pages before and four (4) pages after the cited deposition transcript page(s), for a total of at least nine (9) [pages].” Id. (underlining added).

Plaintiff failed to comply with this requirement. Instead he has offered isolated pages of choppy deposition testimony, depriving the Court of the necessary context when reviewing his materials. (See Excerpts from the Deposition of Dr. Judd Larowe, [Doc. No. 76-3](#), [Doc. No. 82-1](#); Excerpts from the deposition of Brett Lyman, [Doc. No. 76-4](#), [Doc. No. 82-4](#); Excerpts from the Deposition of Ryan Borrowman, [Doc. No. 76-5](#), [Doc. No. 82-3](#); Excerpts from the Deposition of Jon Worlton, [Doc. No. 76-6](#); and Excerpts from the Deposition of Michael Johnson, [Doc. No. 76-7](#), [Doc. No. 82-3](#)). Plaintiff should not be allowed to offer isolated statements without the Court being able to review the full context for why such statements were made.

Therefore, Washington County Defendants respectfully request to supplement the record with the entire deposition transcripts of all the depositions that have been offered to the Court in rendering its summary judgment decision. This is the preference envisioned by the Local Rule and would not prejudice any party to have the evidence further fleshed out for the Court. In the alternative, the Court should strike all deposition excerpts submitted by Plaintiff and not consider them in its summary judgment decision for Plaintiff’s failure to comply with the Local Rules. The full depositions Washington County wishes to provide for the Court’s consideration are as follows:

1. Deposition of Brett Lyman (to replace [Doc. No. 66-3](#), [Doc. No. 76-4](#), and [Doc. No. 82-4](#)).
2. Deposition of Dr. Judd Larowe (to replace [Doc. No. 73-1](#), [Doc. No. 76-3](#), [Doc. No. 82-1](#), and [Doc. No. 83-4](#)).

3. Deposition of Ryan Borrowman (to replace [Doc. No. 76-5](#), [Doc. No. 82-3](#), and [Doc. No. 83-2](#)).
4. Deposition of Jon Worlton (to replace [Doc. No. 76-6](#)).
5. Deposition of Michael Johnson (to replace [Doc. No. 76-7](#), and [Doc. No. 82-2](#)).

These deposition transcripts are attached to this motion in that order. No new individual testimony is included in this motion to supplement and is only brought to ensure that Plaintiff does not avoid the requirements of the Local Rules. Plaintiff's deposition was not included because the entire transcript was already previously provided to the Court. ([Doc. No. 66-2](#)).

WHEREFORE: The Court should grant Washington County's Motion to Supplement the Record and accept the full deposition transcripts into the Record or, in the alternative, strike all of Plaintiff's deposition exhibits.

Dated this 9th day of January, 2019.

/s/ *Frank D. Mylar*

Frank D. Mylar
Attorney for
Washington County Defendants